



**EDENTON-CHOWAN
INSPECTIONS AND PLANNING DEPARTMENT**
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**Chowan County Planning Board
January 19, 2016
Chowan County Public Safety Center
305 West Freemason Street
7:00 pm**

Chairman Marvin Hare called the meeting to order. He asked Planner Elizabeth Bryant to call the roll. Jim Leggett, Marvin Hare, Jim Robison, Linda Peterson, and Wayne Parrish were present. William Monds and Bobby Winborne were absent.

Mr. Leggett opened the meeting with a prayer.

Mr. Hare asked for any changes to the agenda.

Mr. Leggett stated that he would like to amend the agenda to include the discussion of decorum during presentations at the Planning Board meetings. He stated that he found the use of profanity by the speaker at the previous Planning Board meeting to be disrespectful.

Mr. Hare reminded the Board that his role as chairman would expire at this meeting. He stated that the election of a chair and vice-chair needed to be put on the agenda.

Ms. Peterson asked for clarification on the procedural rules for electing officers.

Mr. Hare asked if there were any changes that needed to be made to the minutes of the October 13, 2015 and November 17, 2015 meetings.

Ms. Peterson moved that the October 13, 2015 minutes be approved as submitted. Mr. Leggett seconded the motion. The motion carried unanimously. (5-0)

Mr. Leggett moved that the November 17, 2015 minutes be approved as submitted. Mr. Parrish seconded the motion. The motion carried unanimously. (5-0)

Mr. Hare opened the floor to public comment. (there was none)

Mr. Hare noted the first item of business, **Consideration of Repeal or Further Amendment to TA-14-01 regarding Department/General Merchandise/Variety Stores in the A-1, Agricultural Zoning District; and subsequent Recommendation to the Chowan County Board of Commissioners.**

Mr. Hare asked if there were any comments from the other Board members on the text amendment.

Ms. Peterson asked for clarification on what the issue was with the text amendment.

Ms. Bryant stated that in the process of cleaning up files from the previous planner she came across the text amendment. She stated that she could not discern what the purpose of the text amendment was from looking at the materials included in the file. She stated that this type of use was already allowable through a conditional use rezoning which would go before the Planning Board and Board of Commissioners for

approval. She stated that after speaking with the Commissioners she felt that the applicant was urging for a faster timetable for approval so the planner at the time came before the Planning Board with a suggested amendment to allow for Department/General Merchandise/Variety Stores in the A-1 district through a special use permit if they were under 10,000 square feet and a conditional use permit if they were 10,000 square feet or more. She stated that it was unclear to her if the Commissioners wanted to have the requirement of a special use or conditional use permit limited to the A-1 district or whether they wanted to have it apply across all zoning districts. She stated that in speaking with the Commissioners it sounded like they wanted it to just apply to the A-1 district. She stated that she was trying to gather information and direction from the Planning Board to take back to the Commissioners.

Mr. Robison stated that there was concern from the Commissioners that the Planning Board could approve a large store such as a Walmart without it every going before the Commissioners and that is why the text amendment that included the size limits was done.

Ms. Bryant stated that the original text amendment was that a Special Use Permit was required for a Department/General Merchandise/Variety Store regardless of size. After concerns were expressed by the Commissioners the text amendment was revised to include the size differentiation for the issuance of permits for Department/General Merchandise/Variety Stores. She stated that the way the Ordinance reads now a store of that kind required a permit in the A-1 zoning district only and that in the B-1 and B-2 zones it was a use allowed by right and that those applications would not be reviewed by anyone but staff. She stated that she was unclear whether the intent was for the text amendment to apply to all zoning districts or only to the A-1 district. She stated that Mr. Pruden (the speaker from the November Planning Board Meeting) was concerned about requiring a special use or conditional use permit in the Business Districts which were set up for retail use. Mr. Pruden had expressed concerns that extra permits may impede development in the Business Districts.

Mr. Robison stated that he felt that the Commissioners concern was that they wanted to have the final approval for large stores. He stated that he felt that the text amendment should remain as is.

There was some discussion regarding the reasoning for part of Sandy Point being zoned B-1.

Ms. Bryant stated that she was looking for direction from the Planning Board as to whether the text amendment should remain as approved, should be amended to include the rest of the zoning districts as well as A-1, or should be repealed and to rely on conditional use rezoning for stores of that type in the A-1 district.

Mr. Robison stated that he felt that it should remain as approved. He stated that the Planning Board had nothing to do with the revision that was made to the original text amendment. He stated that the Commissioners voted on and approved the size limits for a Special Use and Conditional Use Permit for Department/General Merchandise/Variety Stores.

Ms. Peterson asked for clarification on where the B-1 districts were located in Chowan County.

Ms. Bryant pointed out the B-1 parcels on the zoning map.

Mr. Leggett stated that he thought that the text amendment applied to all the zoning districts and did not realize it only applied to the A-1 district. He stated that he felt that any development over 10,000 square feet needed to be reviewed.

Mr. Robison asked if a development to be located in the B-1 district would still need to have a permit.

Ms. Bryant stated that they would need a building permit and zoning permit. She stated that she would hold a Technical Review Committee meeting which would include representatives from the different departments involved to review the development and give their comments or concerns. She stated that the way the Ordinance reads now the size of the building would be unlimited in the B-1 district and would be staff review only.

Mr. Hare clarified that the use that was being discussed was a Department/General Merchandise/Variety Store and not a heavy commercial use such as a fertilizer plant.

Ms. Bryant stated that was correct.

Mr. Hare stated that he thought that the Planning Board should clarify their interpretation of the amendment in a letter to the Commissioners.

Ms. Peterson asked if a grocery store would be included in the same category.

Ms. Bryant stated that Food Store was a different category.

Ms. Peterson asked if something like an AutoZone was included in the same category.

Ms. Bryant stated that Auto Parts Store was a different category.

Ms. Peterson asked if Sears would be included.

Ms. Bryant stated that a Sears could be included as a General Merchandise Store. She stated that typically the stores that would be included in the category would be stores like Dollar General or Family Dollar. She stated that anything with a gas station would be considered a Convenience Store/Gas Station and would be under a different category.

Mr. Robison moved to leave the text amendment as it was approved by the Commissioners. Ms. Peterson seconded the motion.

Mr. Leggett stated that he felt that the amendment should apply across all the zoning districts.

Ms. Peterson asked how they could impose more restrictions on property already zoned B-1.

Ms. Bryant stated that it was within the Commissioners rights to do that if they felt it was necessary.

Mr. Robison stated that he felt that it was an issue of fairness to property owners who already had property zoned B-1 for future use.

Ms. Peterson suggested a timetable for owners of B-1 property to move forward with development. She stated that she did not agree with leaving it open-ended just because someone had their property rezoned to B-1 at one time.

Mr. Robison stated that it wasn't really open-ended because the Commissioners could rezone the property at any time.

Mr. Leggett suggested that those property owners could be grandfathered in somehow. He stated that he felt that the amendment should apply across all zoning districts.

Mr. Hare stated that he did not agree with that. He stated that he felt that there should be some zones within the county where someone could plan a development such as a general merchandise store and where the area is already zoned for that use.

Mr. Hare called for a vote. The motion carried 4-1 to leave the text amendment as approved by the Commissioners. (Mr. Leggett dissenting)

Mr. Hare opened the floor for nominations for a new chair and vice-chair for 2016.

Mr. Leggett nominated Mr. Hare for chairman.

Ms. Peterson asked for clarification on the changes the Commissioners made to the election of officers for the Planning Board.

Ms. Bryant stated that the Commissioners had changed the Ordinance to read that the chair could vote as a regular member. She stated that they added that at the beginning of the Article that defines the Planning Board's duties and responsibilities that the Planning Board may conduct studies, reports, research, etc. at the direction of the Board of Commissioners. She stated that the way it was written originally, the studies, reports, research, etc. could be initiated by the Planning Board.

Mr. Robison asked if the Commissioners could change the wording in the Ordinance, such as the language addressing the Planning Board initiating studies, without going through the text amendment process.

Ms. Bryant stated that it was included in a text amendment and that the Commissioners could make changes to the text amendment once it made it to the Board of Commissioners for their review.

Ms. Peterson seconded the nomination of Mr. Hare for chairman. There being no further nominations, Mr. Hare called for a vote. The motion carried 4-1. (Mr. Robison dissenting)

Mr. Leggett nominated Bobby Winborne for vice-chair. Mr. Parrish seconded the motion.

Ms. Peterson asked if anyone knew if Mr. Winborne was willing to serve as vice-chair.

Mr. Hare suggested postponing the vote until the next meeting when Mr. Winborne was present.

Mr. Leggett asked if all the members should be present for the election of officers.

Mr. Robison stated that all the members did not need to be present, only a quorum was required.

Mr. Hare stated that the vote for vice-chair would be held at the next meeting.

Mr. Hare noted the next item of business, **Discussion of the 2008 Edenton-Chowan Land Use Plan.**

Mr. Hare stated that he would like to have the Planning Board to be familiar with the Land Use Plan and to know as much as possible about it.

Ms. Peterson asked if there were any mechanisms to update the LUP as far as visions for the future.

Ms. Bryant stated that the idea of a LUP was that it was updated fairly continuously. She stated that prior to the 2008 document the Town and County had relied on grant money to update the LUP. She stated that funding for the LUP updates had been suspended. She stated that as a CAMA County, Chowan County was required to have a LUP but that there was no money available at this time to update the Plan.

Ms. Peterson asked if there was a possibility to update just the portion of the LUP that talks about the future.

Ms. Bryant stated that was possible but because Chowan County is a CAMA County any amendments to the document have to go through CAMA review. She stated that was not impossible but that it was a lengthy process. She stated that the Planning Board and Commissioners can acknowledge a deviation from the LUP in any decision that they made. She stated that if a permit for a development came up and some portion of it did not agree with one of the future land use goals included in the LUP then there was the provision that it could deviate from the LUP suggestion but that they (Planning Board & Board of Commissioners) had to acknowledge it and state the reasoning why they were deviating from the LUP. She stated that she felt that the core document was still a good plan although the goals seem to be farther away now than they did at the time it was written.

Ms. Peterson asked about how the Planning Board could become more familiar with the plan as far as applying it to applications that they were to review.

Ms. Bryant stated that any time an application was received; she reviewed the LUP and included in the Staff Report a synopsis describing what the various sections of the LUP say in relation to the proposed development. She stated that the Staff Report would reference the sections of the LUP that the Planning Board should read in their review of the application.

Mr. Leggett expressed concerns over how long it had been since a census had been taken. He asked if it was possible to take another census.

Ms. Bryant stated the Planning Board could insert the 2010 census numbers for their own personal use and not update the entire document.

Ms. Peterson asked who wrote the Greenways and Open Space Plan.

Ms. Bryant stated that she thought that the Wooten Company wrote that document.

Ms. Peterson asked if that plan was just a recommendation.

Ms. Bryant stated that it was a plan for future greenway use and showed locations of bicycling paths and walking trails. She stated that the Town used it when they did a sidewalk extension and that they used it when they installed a kayak launch as well. She stated that the County used it when they installed the camping platforms at Holladay Island.

Ms. Peterson asked if that plan was mandated to be updated.

Ms. Bryant stated that there was interest at the time in planning for greenways and open space. She stated that the plan had been used as a guiding document for grant applications from the Town and County. She stated that the only way that an update would be funded at this time was through a grant.

Ms. Bryant stated that she could look into holding a training session where she would go through the LUP with the Board and possibly the Commissioners as well to help everyone understand how to apply the LUP in the review of any applications or developments.

Ms. Peterson stated that she felt that the Board would be more effective with a better understanding of the LUP.

Ms. Bryant stated that she could contact the CAMA representative and have her come in and go over some of the document as well because they were the organization that had all the requirements included in the environmental sections.

Mr. Hare stated that he felt that a training session was a good idea.

Mr. Leggett agreed that it was a good idea to hold a training session.

Mr. Hare asked Ms. Bryant to set up a training session and to focus on some short-term areas to examine.

Mr. Hare noted the last item on the agenda, **Items Considered Timely & Important.**

Ms. Peterson asked for an update on the status of the solar farm to be located on Yeopim Road. She stated that in looking back in her notes she had written that the next step was for the developer to get a wetlands delineation and that the developer intended to begin the project in January 2016.

Ms. Bryant stated that she had not received anything from them yet.

Ms. Peterson asked if it was the County's responsibility to follow up with the developer.

Ms. Bryant stated that it was not the County's responsibility to follow up with the developer. She stated that she could attempt to contact the developer but that she would not do that until at least the end of February to allow them sufficient time.

Ms. Peterson stated that she thought that it was appropriate to ask for an update.

Ms. Bryant stated that she would get an update in February.

Ms. Peterson asked if the developer had abandoned the project if the County would be made aware of it.

Ms. Bryant stated that the County would not necessarily be made aware of that. She stated that the County would find out most likely from the property owner but that she did not know that the developer would call the County and inform them of the abandonment.

Mr. Leggett stated that he had been told that in regard to farmers leasing their land to green energy projects, that with planting crops the farmer could expect to get about \$400 per acre in return but that with solar farms and wind farms the farmer could expect to get about \$4000 per acre in return. He stated that in looking at the financial aspect he could see the appeal of the green energy projects to the farmers. He stated that solar farms and wind turbines could always be installed on land where crops did not grow well.

Mr. Parrish stated that his biggest issue with the solar farms was that the developers wanted to do 10-15 year leases. He stated that the research that his grandfather had done made them question what would happen when all the subsidies ran out. He stated that a farmer could make more money off of the green energy projects for the 10-15 years but that then the question was what the land would be worth after it had been allowed to grow up in weeds and trees for 10-15 years. He stated that people would always need farmland to grow crops.

There being no further business, the meeting was adjourned.

